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OFFICE OF PETITIONS

TEXAS INSTRUMENTS INCORPORATED  
P O BOX 655474, M/S 3999  
DALLAS TX 75265

In re Application of :  
Hashizume et al. :  
Application No. 10/647,943 : ON PETITION  
Deposited: August 26, 2003 :  
Attorney Docket No.: TI-355328 :

This is a decision on the petition filed August 4, 2004, requesting in effect, that a Notice of Incomplete Nonprovisional Application ("Notice") mailed June 21, 2004, be withdrawn and a filing date granted.

Application papers in the above-identified application were deposited on August 26, 2003. However, on June 21, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicants that the application papers had **not** been accorded a filing date because the application was deposited without drawings.<sup>1</sup>

In response, 2 sheets of drawings, including figures 1-3 and the present petition were filed on August 4, 2004. The petition contends that the application as filed included 2 sheets of drawings and were described in the original filed specification. In support, the petition is accompanied by a copy of applicants' postcard receipt which acknowledges receipt in the office of "formal drawings" on August 26, 2003.

Applicant's postcard receipt is prima facie<sup>2</sup> evidence that drawings were received on August 26, 2003, but no drawings are present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that 2 sheets of drawings, including figures 1-3, were received on August 26, 2003, as shown in counsel's file, and later misplaced in the Office.

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<sup>1</sup>See 35 U.S.C. 111(a)(4)

<sup>2</sup>A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the office of all items listed thereon. See MPEP 503.

The petition is Granted. No petition fee is required. Accordingly, deposit account 20-0668 is being refunded the \$130.00 petition fee.

There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation and change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of August 26, 2003, using the 2 sheets of drawings supplied on August 4, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.



Charlema R. Grant  
Petition Attorney  
Office of Petitions

cc: Michael T. Konczal  
P.O. Box 863656  
Plano, TX 75086